

## REMARKS

### Summary of Office Action

Claims 1-27 are pending in this application. Claims 22-27 were withdrawn from consideration pursuant to a restriction requirement.

The Examiner maintained the rejections of claims 1, 8, and 9 under 35 U.S.C. § 102(b) as being anticipated by Myerson et al. U.S. Patent No. 3,063,450 (hereinafter "Myerson"). Dependent claims 2-7 were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

Claims 10-27\* stand rejected under 35 U.S.C. § 103(a) as being obvious from Cooper\*\* in view of Sarnoff et al. U.S. Patent No. 4,755,169 (hereinafter "Sarnoff").

### Summary of Applicant's Reply

**Please change the Attorney Docket from "008306-0304853" to  
11201-735-999.**

Applicant has proposed amending independent claim 1 to include the limitations of dependent claim 8, which applicant has proposed canceling. Similarly, applicant has proposed amending independent claim 10 to include the limitations of dependent claim 17, which applicant has proposed canceling. Dependent claim 7 has been amended, as proposed, to change dependency from claim 2 to claim 1.

No new matter would be added.

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\* Applicant assumes the Examiner meant claims 10-21, since claims 22-27 were withdrawn.

\*\* Applicant assumes the Examiner meant Myerson.

Reconsideration of this application in view of the proposed amendments and following remarks is respectfully requested.

Showing of Good and Sufficient Reasons  
Under 37 C.F.R. § 1.116(b)(3)

Applicant requests amendment of this application, even though a final rejection has been issued. The proposed amendments of claims 1 and 10 merely add the limitations of dependent claims 8 and 17, respectively, which have been proposed for cancellation. Thus, no additional search or consideration should be required. Accordingly, applicant respectfully requests entry of the proposed amendments and reconsideration in view of the following remarks.

Rejections of Claims 1-9 Under 35 U.S.C. §§ 102(b) and 103(a)

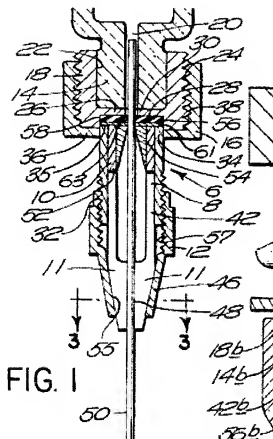
Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Myerson. Dependent claims 2-7 were rejected under 35 U.S.C. § 103(a) as being obvious from Myerson.

These rejections are respectfully traversed.

The Examiner equated applicant's first hub portion with Myerson's vise 8 and gripping jaws 11 and equated applicant's second hub portion with Myerson's screw cap 12.

The Examiner apparently overlooked the previous amendment of dependent claim 8 in applicant's October 3, 2007 Reply to Office Action. As listed in that Reply, claim 8 required the second hub portion to further comprise "a supporting portion that extends beyond the first hub portion and along the needle" (emphasis added).

As applicant previously argued, "Myerson's screw cap 12 ( $\approx$  the second hub assembly) does not extend beyond Myerson's vise 8 and gripping jaws 11 ( $\approx$  the first hub assembly) and along needle 50." See the portion of Myerson's FIG. 1 reproduced and enlarged below:



Indeed, screw cap 12 does not extend beyond vise 8 and gripping jaws 11 in either direction along needle 50.

Claim 8 was thus not anticipated by Myerson.

Independent claim 1, amended as proposed herein, now includes the limitations of claim 8, which is proposed for cancellation.

Myerson therefore does not anticipate independent claim 1, amended as proposed, which should now be allowable.

For at least these reasons, dependent claims 2-7 and 9, which depend directly or indirectly from independent claim 1, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 1-7 and 9 under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Rejections of Claims 10-21 Under 35 U.S.C. § 103(a)

Claims 10-21 were rejected under 35 U.S.C. § 103(a) as being obvious from the combination of Myerson and Sarnoff.

These rejections are respectfully traversed.

As with dependent claim 8, the Examiner apparently overlooked the previous amendment of dependent claim 17 in applicant's October 3 Reply. As listed in that Reply, claim 17 required the second hub portion to further comprise "a supporting portion that extends beyond the first hub portion and along the needle" (emphasis added).

Thus, as discussed above with respect to claim 8, claim 17 was also not anticipated by Myerson.

And because Sarnoff was cited to show an automatic injector with a housing, cartridge, and actuation assembly, Sarnoff did not make up for the deficiencies of Myerson.

Thus, claim 17 was not obvious from the combination of Myerson and Sarnoff.

Independent claim 10, amended as proposed herein, now includes the limitations of claim 17, which is proposed for cancellation.

Therefore, the combination of Myerson and Sarnoff also does not render obvious independent claim 10, amended as proposed, which should now be allowable.

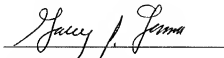
For at least these reasons, dependent claims 11-16 and 18-21, which depend directly or indirectly from independent claim 10, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicant respectfully requests that the rejections of claims 10-16 and 18-21 under 35 U.S.C. §103(a) be withdrawn.

#### Conclusion

The foregoing demonstrates that claims 1-7, 9-16, and 18-21 are allowable. Therefore, subject to the disposition of withdrawn claims 22-27, this application is in condition for allowance. Reconsideration, entry of the proposed amendments, and allowance are accordingly respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Garry J. Tuma", is written over a horizontal line.

Garry J. Tuma  
Registration No. 40,210  
Attorney for Applicant

JONES DAY  
Customer No. 20583  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939